



# Secretary's Directive

MARYLAND DEPARTMENT OF JUVENILE JUSTICE

DIRECTIVE NO. 01-10

Effective Date: January 17, 2001

TO: All Department Personnel

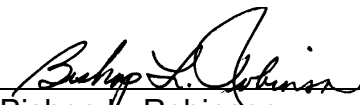
SUBJECT: Establishment of Policy on Peace Orders

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Effective this day, I am issuing this policy directive concerning the establishment of a policy regarding:

## **Peace Orders - Policy # 05.16.30**

This policy directive shall remain in effect until and unless this directive is superseded by a published regulation. This directive is the policy of the Department of Juvenile Justice and is effective immediately. This policy directive shall be distributed to all Department personnel and shall be included in all appropriate policy manuals and training materials. Failure to obey this policy directive shall be grounds for discipline up to and including termination.

  
Bishop L. Robinson  
Secretary





## MARYLAND DEPARTMENT OF JUVENILE JUSTICE

Unit or Area: **Community Justice Offices**

Policy Number: 05.16.30

Subject: **Peace Orders**

Effective Date: 01/17/01

Approved: \_\_\_\_\_

Review Cycle: 1 Year

**I. POLICY**

The Department of Juvenile Justice is committed to ensuring the public's safety by assisting individuals to file Peace Order complaints with the Juvenile Court, when appropriate. The following protocol will outline the procedures the Department will follow to accomplish this objective.

**II. AUTHORITY**

**Courts & Judicial proceedings, Articles, §3-804 (E)(6), §3-820.1 et seq**

**III. DEFINITIONS**

- A. **Department:** means Department of Juvenile Justice.
- B. **Intake Officer:** means a Department of Juvenile Justice's staff member who is designated to decide whether the juvenile court has jurisdiction over an alleged delinquent act, and whether judicial action is in the best interest of the public and the youth.

**IV. PROCEDURES FOR PROCESSING PEACE ORDER COMPLAINTS**

- A. A request for a Peace Order may be initiated by a person who alleges that a juvenile has committed one or more of the following acts within 30 days of the filing of the request:
1. An act that causes serious bodily harm.
  2. An act that places the complainant in fear of imminent serious bodily harm.
  3. Assault in any degree.
  4. Rape or sexual offense, as defined in Article 27, § 462 through 464C of the Annotated Code of Maryland, or attempted rape or sexual assault in any degree.

5. False imprisonment.
  6. Harassment, as described in Article 27, §124 of the Annotated Code.
  7. Stalking, as described in Article 27, §124 of the Annotated Code.
  8. Trespass, as described in the trespass subheading of Article 27 of the Annotated Code.
  9. Malicious destruction of property, as described in Article 27, §111 of the Annotated Code of Maryland.
- B.** Intake Officers may authorize the filing of a Peace Order Complaint, propose an informal adjustment of the complaint, or deny authorization to file a Peace Order Complaint. Denial of authorization to file a Peace Order Complaint, when the underlying act is a felony, may be appealed to the State's Attorney, and the Intake Officer must forward all such files to the State's Attorney for review. Denial of authorization to file a Peace Order Complaint, when the underlying act is not a felony, may be appealed to the Department of Juvenile Justice Area Director.
- C.** A complainant must personally appear at the DJJ Intake Office and complete a Peace Order Complaint Form, either in his own handwriting or with an original signature attached to the complaint.
- D.** The Intake Officer who receives the complaint must review it **immediately** to determine the following:
1. Whether the court has jurisdiction based on the age of the respondent and the location of the alleged act;
  2. Whether the alleged act occurred within the previous 30 days;
  3. Whether the situation warrants immediate action or whether the complaint can be processed in the routine manner within 25 days;
  4. Whether a delinquency complaint should be filed, either instead of or in addition to, the Peace Order complaint; and
  5. Whether the local police should be notified.

- E.** When the situation warrants immediate action, the Intake Officer shall authorize the filing of a Peace Order Complaint and deliver the completed Complaint to the Clerk's office for entry on the docket and scheduling of a hearing.
- F.** When the situation does not warrant immediate action, the Intake Supervisor shall assign the complaint to an Intake Officer for inquiry and handling in the routine manner within 25 days. All requirements for notification of decision, consent to informal adjustment, and notification of right to appeal denial of authorizations that apply to delinquency complaints also apply to the handling of Peace Order complaints.
- G.** When the situation warrants the filing of a delinquency complaint, the Intake Officer shall assist the complainant in filing such complaint and shall follow all Departmental procedures for handling that complaint.

**DEPARTMENT OF JUVENILE JUSTICE**  
**PEACE ORDER COMPLAINT FORM**  
(Courts & Judicial proceedings, Articles, §3-820.1 et seq)

Date: \_\_\_\_\_

I want protection from \_\_\_\_\_, a juvenile.  
(Name of Juvenile)

The juvenile committed the following acts against \_\_\_\_\_  
(Name of Victim)

within the past 30 days on the dates stated below(check all that apply) ☐ any act that causes serious bodily harm ☐ An act that placed the victim in fear of imminent serious bodily harm ☐ assault ☐ rape or sexual offense ☐ false imprisonment ☐ harassment ☐ stalking ☐ trespass ☐ malicious destruction of property

**DESCRIPTION OF ACT(S):**(Include location, time, date of act, and description)

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Juvenile's Full Name: \_\_\_\_\_ DOB: \_\_\_\_\_

SEX: \_\_\_\_\_ RACE: \_\_\_\_\_ SCHOOL: \_\_\_\_\_ GRADE: \_\_\_\_\_

HEIGHT: \_\_\_\_\_ WEIGHT: \_\_\_\_\_ HAIR COLOR: \_\_\_\_\_ EYE COLOR: \_\_\_\_\_

\_\_\_\_\_  
Living With: (Name & Address) (Phone#)

\_\_\_\_\_  
Father's Name and Address ( If different from above) (Phone#)

\_\_\_\_\_  
Mother's Name and Address ( If different from above) (Phone#)

Place of Work, Address, Telephone Number: \_\_\_\_\_

\_\_\_\_\_

I want the court to Order the Juvenile:

- ☐ NOT to commit or threaten to commit any of the acts listed above against.....
- ☐ NOT to contact, attempt to contact, or harass.....
- ☐ NOT to go to the residence(s) at .....
- ☐ NOT to go to the school(s) at .....
- ☐ NOT to go to the work place(s) at .....
- ☐ Other specific relief .....

SUBMITTED BY: \_\_\_\_\_  
(Print Name) (Signature)

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

I solemnly affirm under the penalties of perjury that the contents of this Peace Order Complaint Form are true to the best of my knowledge, information and belief.

.....  
Signature Date

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Date of Decision: \_\_\_\_\_ Misdemeanor or Felony \_\_\_\_\_

- ☐ Propose informal adjustment.
- ☐ Authorize the filing of a peace order request with the Court.
- ☐ Refuse authorization to file a peace order request with the Court.

Refusal to authorize forwarded to States Attorney: \_\_\_\_ Date Forwarded: \_\_\_\_\_

Intake Officer: \_\_\_\_\_

Supervisor: \_\_\_\_\_